



Town Council Agenda Report

SUBJECT: Eminent Domain

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO COMMENCE AN EMINENT DOMAIN ACTION PURSUANT TO CHAPTER 73 OF THE FLORIDA STATUTES AND ANY OTHER APPLICABLE LAWS, TO ACQUIRE WATER UTILITY FACILITIES NECESSARY TO CREATE UNIFIED DELIVERY OF WATER UTILITY SERVICES WITHIN THE CORPORATE LIMITS OF THE TOWN OF DAVIE; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

Council has requested a resolution asking for the initiation of eminent domain proceedings against the City of Sunrise regarding acquisition of their water systems in Davie. The attached resolution provides authorization to commence such authorizaitons.

PREVIOUS ACTIONS:

None

CONCURRENCES:

None

FISCAL IMPACT:

Is appropriation required?

If yes, expected cost \$

Funding appropriated?

If yes, amount \$

Account Name:

Additional Comments:

At this point, the costs of such proceedings are not clearly established. As the process moves forward and we learn more about the scope of the undertaking we will communicate such information promptly to the Council.

RECOMMENDATION(S): motion to approve

Attachment(s):

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO COMMENCE AN EMINENT DOMAIN ACTION PURSUANT TO CHAPTER 73 OF THE FLORIDA STATUTES AND ANY OTHER APPLICABLE LAWS, TO ACQUIRE WATER UTILITY FACILITIES NECESSARY TO CREATE UNIFIED DELIVERY OF WATER UTILITY SERVICES WITHIN THE CORPORATE LIMITS OF THE TOWN OF DAVIE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Davie has the authority to exercise the right and power of eminent domain pursuant to Florida Statute 166.401; and

WHEREAS, the Town of Davie owns and operates a utility system for supplying water delivery services to the residents of the Town; and

WHEREAS, a significant portion of the Town is supplied water services by utilities owned and operated by the City of Sunrise; and

WHEREAS, the Town Council deems it to be in the best interest of the citizens of the Town of Davie to fully control the quality and cost of water delivery to its residents and to provide a more unified water delivery system to be owned and operated in the Town; and

WHEREAS, in order to provide its residents with a unified water delivery system so as to assure the quality of water and cost of said water to its residents, it is necessary to acquire certain assets of the City of Sunrise system and to combine them with the Town's system in order to unify the Town's delivery of water to its residents; and

WHEREAS, it is necessary to acquire these assets through the rights and powers provided to municipal corporations by Section 166.401 of the Florida Statutes and provisions of Chapter 73 of the Florida Statutes, plus other applicable laws; and

WHEREAS, the Town of Davie intends in good faith to construct a unified water delivery system; and

WHEREAS, for the reasons stated above, there is the necessity for taking by eminent domain certain assets of the City of Sunrise; and

WHEREAS, for the reasons set forth above, there is a public necessity and purpose for the filing of the eminent domain action.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the Town Administrator is hereby authorized to take all necessary action to prepare an appropriate petition pursuant to Florida Statutes to acquire certain utility assets of the City of Sunrise in conformance with the intent of this Resolution and to take all action necessary for the proper preparation of a Petition in condemnation for same.

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2000.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2000.